

EXHIBIT 1

95

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

2003 JUN 13 P 3:43

E-BEAM SERVICES, INC.,

Plaintiff,

v.

AECL TECHNOLOGIES, INC., et al.

Defendants

Civil Action No. 02-2256(FSH)

ORDER

FILED

AT 8:00
WILLIAM T. WALSH, CLERK

This matter having come before the Court on the application of the AECL defendants seeking reconsideration of the Court's Order permitting the plaintiff to take four depositions in Canada; and the application of the plaintiff in opposition to the request for reconsideration and its request for sanctions, a finding of judicial estoppel and adjournment as well as the plaintiff's formal motion to adjourn the trial date, which was referred to the undersigned by the Hon. Faith S. Hochberg; and the Court having considered the letters dated June 11 and 12, 2003 as well as its prior orders and docket in this case and the certifications and letters submitted in connection with the motion to adjourn the trial date; and for the reasons set forth on the record on June 13, 2003;

IT IS ON THIS 13th day of June, 2003

ORDERED that the AECL defendants' application for reconsideration of the Court's Order permitting the plaintiff to invoke the letters rogatory process to conduct four depositions in Canada is denied;

IT IS FURTHER ORDERED that the plaintiff's motion that sanctions being imposed against the AECL defendants is denied;

IT IS FURTHER ORDERED that the plaintiff's request that the Court find that the AECL defendants are "judicially estopped" from asserting opposition to the taking of the Canadian depositions is denied;

ENTERED
ON
THE DOCKET

JUN 13 2003

WILLIAM T. WALSH, CLERK

By _____
(Deputy Clerk)

IT IS FURTHER ORDERED that the plaintiff's request to modify the schedule for discovery, motion practice, extensions of time for briefing, or an adjournment of the trial is denied;

IT IS FURTHER ORDERED that any in limine motions related to the Canadian depositions or the depositions of Messrs. Crilli and Velez shall be filed no later than June 23, 2003 and any response shall be submitted to the undersigned no later June 27, 2003 by 5:00 p.m. The return date for these motions shall be June 30, 2003. Based upon the representations of counsel, no other in limine motions related to factual issues will be filed; and

IT IS FURTHER ORDERED that any in limine motion related to the financial and technical experts shall be filed no later than June 27, 2003. The plaintiff shall be given a 15 page limit for its brief in support of challenges to the defendants financial and technical experts; defendant AECL shall be given a 10 page limit for its brief in support of its challenges to the plaintiff's financial expert and a 5 page limit in support of its challenges to the plaintiff's technical expert. Defendant Iotron will be given a 5 page limit as it relates to its challenge to the plaintiff's financial expert. Any response to these motions shall be submitted no later than July 1, 2003 at 4:00 p.m. and shall be limited to 10 pages. Oral argument on these in limine motions shall take place on July 2, 2003 at 3:30 p.m., unless otherwise directed by the Court.


HON. PATTY SHWARTZ
United States Magistrate Judge

Orig: Clerk
cc: USDJ
Deputy Clerk
All parties
File